

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR **CORRECTIVE AMENDMENTS: FOR 98-72 COM 1 (NORTH CONGRESS AVENUE)**, MODIFYING PAGE 72 OF THE FLUA BY CHANGING THREE (3) PARCELS OF LAND, COLLECTIVELY TOTALING APPROXIMATELY 1.24 ACRES, AND LOCATED ON WEST SIDE OF CONGRESS AVENUE, BETWEEN CAROL AVENUE AND REX AVENUE, AND APPROXIMATELY 0.30 MILE NORTH OF 10TH AVENUE NORTH, FROM LOW RESIDENTIAL, 3 UNITS TO THE ACRE (LR-3) TO COMMERCIAL LOW WITH AN UNDERLYING 3 UNITS PER ACRE (CL/3); FOR **98-77 CHX 1 (LAKE WORTH ROAD/42ND WAY CROSSHATCHING)**, MODIFYING PAGE 77 OF THE FLUA BY REMOVING THE CROSSHATCHING FROM A PARCEL OF LAND, TOTALING APPROXIMATELY 4.18 ACRES, AND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LAKE WORTH ROAD AND 42ND WAY SOUTH, APPROXIMATELY 650' EAST OF MILITARY TRAIL; FOR **98-99 COM 1 (SOUTH MILITARY TRAIL)**, MODIFYING PAGE 99 OF THE FLUA BY CHANGING A PARCEL OF LAND, TOTALING APPROXIMATELY 9.13 ACRES, AND GENERALLY LOCATED ON THE WEST SIDE OF MILITARY TRAIL, APPROXIMATELY 0.65 MILE NORTH OF ATLANTIC AVENUE, FROM HIGH RESIDENTIAL, 8 UNITS TO THE ACRE (HR-8) TO COMMERCIAL HIGH/HR-8 (CH/8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on June 19, June 26, and July 10, 1998 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm

1 Beach County Board of County Commissioners pursuant to Chapter 163,  
2 Part II, Florida Statutes; and

3 **WHEREAS**, the Palm Beach County Board of County Commissioners, as  
4 the governing body of Palm Beach County, conducted a public hearing  
5 pursuant to Chapter 163, Part II, Florida Statutes, on July 15, 1998 to  
6 review the recommendations of the Local Planning Agency, whereupon the  
7 Board of County Commissioners authorized transmittal of proposed  
8 amendments to the Department of Community Affairs for review and  
9 comment pursuant to Chapter 163, Part II, Florida Statutes; and

10 **WHEREAS**, Palm Beach County received on, October 7, 1998 the  
11 Department of Community Affairs "Objections, Recommendations, and  
12 Comments Report," dated October 1, 1998, which was the Department's  
13 written review of the proposed Comprehensive Plan amendments; and

14 **WHEREAS**, the written comments submitted by the Department of  
15 Community Affairs contained no objections to the amendments contained  
16 in this ordinance;

17 **WHEREAS**, on December 2, 1998, the Palm Beach County Board of  
18 County Commissioners held a public hearing to review the written  
19 comments submitted by the Department of Community Affairs and to  
20 consider adoption of the amendments; and

21 **WHEREAS**, the Palm Beach County Board of County Commissioners has  
22 determined that the amendments comply with all requirements of the  
23 Local Government Comprehensive Planning and Land Development Regulation  
24 Act.

25 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
26 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

27 **Part I. Amendments to the Future Land Use Atlas of the Land Use**  
28 **Element of the 1989 Comprehensive Plan**

29 The following amendments to the Land Use Element's Future Land Use  
30 Atlas are hereby adopted and are attached to this Ordinance:

31 **A. Future Land Use Atlas page 72 is amended as follows:**

32 **Application No.: 98-72 COM 1 (No. Congress Avenue)**

1           **Amendment:**           From Low Residential 3 (LR-3) to Commercial  
2                                   Low with an underlying 3 units per acre  
3                                   (CL/3);

4           **General Location:**   West side of Congress Avenue, between Carol  
5                                   Avenue and Rex Avenue, and approx. 0.30 mile  
6                                   north of 10<sup>th</sup> Avenue North;

7           **Size:**               1.24 acres;

8           **B.    Future Land Use Atlas page 77 is amended as follows:**

9           **Application No.:**    98-77 CHX 1 (Lake Worth Rd/42nd Way)

10          **Amendment:**        To Remove Crosshatching;

11          **General Location:**   Southwest corner Lake Worth Road and 42<sup>nd</sup>  
12                                   Way South, approx. 650' east of Military  
13                                   Trail;

14          **Size:**               4.18 acres;

15          **C.    Future Land Use Atlas page 99 is amended as follows:**

16          **Application No.:**    98-99 COM 1 (So. Military Trail)

17          **Amendment:**        From High Residential 8 (HR-8) to Commercial  
18                                   High with an underlying 8 units per acre  
19                                   (CH/8);

20          **General Location:**   West side of Military Trail, approx. 0.65  
21                                   mile north of Atlantic Avenue;

22          **Size:**               9.13 acres.

23          **Part II.   Repeal of Laws in Conflict**

24               All local laws and ordinances applying to the unincorporated area  
25               of Palm Beach County in conflict with any provision of this ordinance  
26               are hereby repealed to the extent of such conflict.

27          **Part III.   Severability**

28               If any section, paragraph, sentence, clause, phrase, or word of  
29               this Ordinance is for any reason held by the Court to be  
30               unconstitutional, inoperative or void, such holding shall not affect  
31               the remainder of this Ordinance.



1                    **Part IV. Inclusion in the 1989 Comprehensive Plan**

2                    The provision of this Ordinance shall become and be made a  
3 part of the 1989 Palm Beach County Comprehensive Plan. The  
4 Sections of the Ordinance may be renumbered or relettered to  
5 accomplish such, and the word "ordinance" may be changed to  
6 "section," "article," or any other appropriate word.

7                    **Part V. Effective Date**

8                    The effective date of this plan amendment shall be the date a  
9 final order is issued by the Department of Community Affairs or  
10 Administration Commission finding the amendment in compliance in  
11 accordance with Section 163.3184, Florida Statutes, whichever  
12 occurs earlier. No development orders, development permits, or  
13 land uses dependent on this amendment may be issued or commence  
14 before it has become effective. If a final order of noncompliance  
15 is issued by the Administration Commission, this amendment may  
16 nevertheless be made effective by adoption of a resolution  
17 affirming its effective status, a copy of which resolutions shall  
18 be sent to the Department of Community Affairs, Bureau of Local  
19 Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-  
20 2100.

21                    **APPROVED AND ADOPTED** by the Board of County Commissioners of  
22 Palm Beach County, on the 2 day of December, 1998.

23                    ATTEST:  
24 DOROTHY H. WILKEN, Clerk

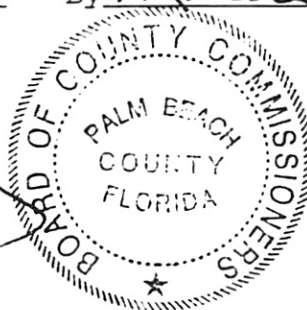
PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

25                    By: Joan Hawley  
26                    Deputy Clerk

By: Manda Ford Lee  
Chair

27                    APPROVED AS TO FORM AND  
28                    LEGAL SUFFICIENCY

29                    Rupert B  
30                    COUNTY ATTORNEY



31                    Filed with the Department of State on the 9th day  
32                    of December, 1998.

EXHIBIT 1

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COUNTY INITIATED CORRECTIVE AMENDMENTS

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B. 98-77 CHX 1 (Lake Worth Road/42nd Way) ..... B - 1

C. 98-99 COM 1 (South Military Trail) ..... C - 1

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## EXHIBIT 1

A. Future Land Use Atlas page 72 is amended as follows:

**Amendment No.:** 98-72 COM 1 (No. Congress Avenue)

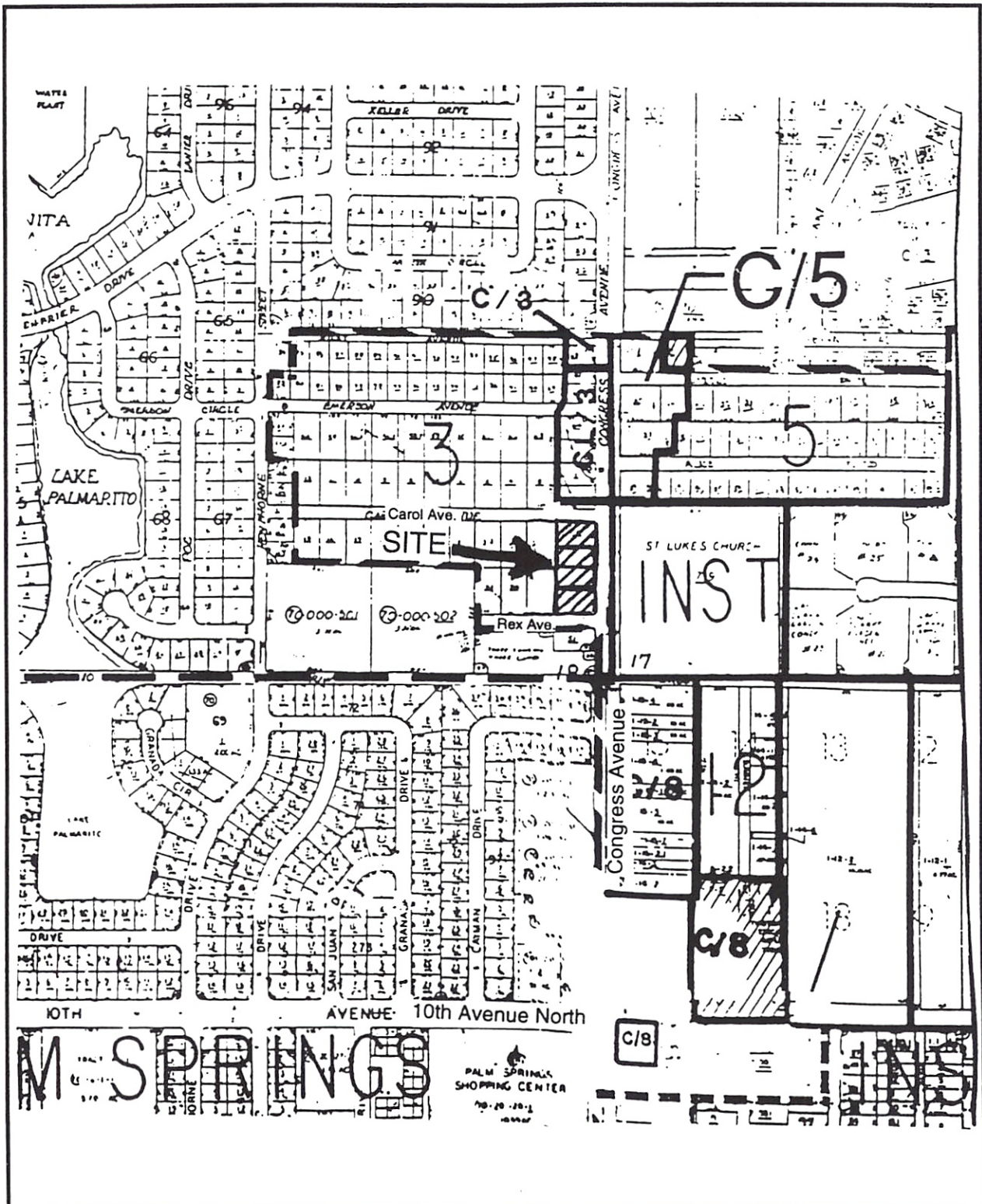
**Location:** West side of Congress Avenue, between Carol Avenue and Rex Avenue, and approximately 0.30 mile north of 10<sup>th</sup> Avenue North.

**Size:** 1.24 acres (total)

**Original FLU:** Low Residential, 3 units per acre (LR-3)

**Adopted FLU:** Commercial Low with an underlying 3 units per acre (CL/3)

**Property No.:** 00-43-44-18-02-000-0250 (.62 ac.), 0270 (.31 ac.), and 0280 (.31 ac.)



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B. Future Land Use Atlas page 77 is amended as follows:

**Amendment No.:** 98-77 CHX 1 (Lake Worth Road/42nd Way)

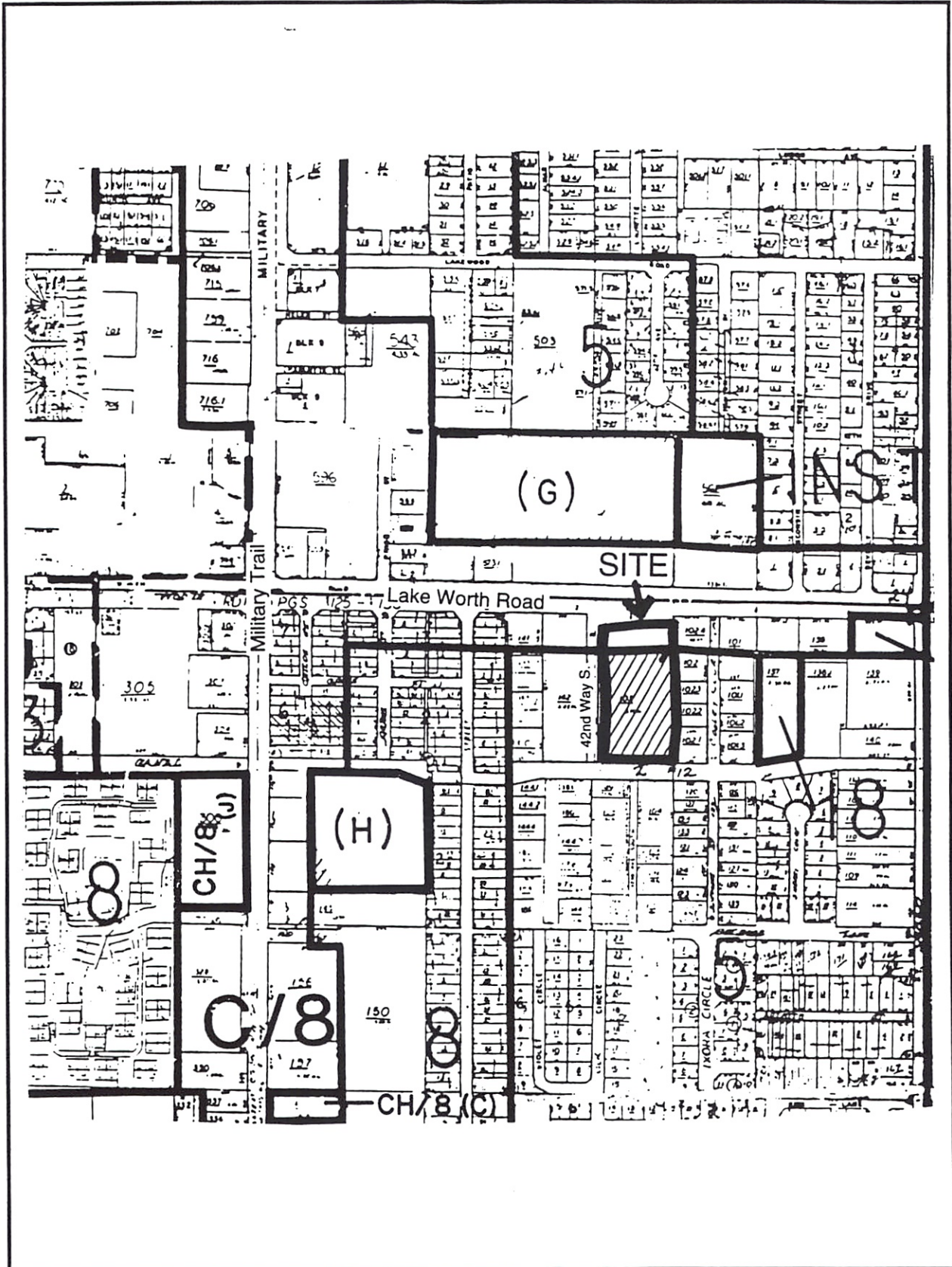
**Location:** Southwest corner of Lake Worth Road and 42<sup>nd</sup> Way South, approximately 650 ft. east of Military Trail

**Size:** 4.18 acres

**Original FLU:** No FLU change

**Adopted FLU:** Remove Crosshatching

**Property No.:** 00-42-44-25-00-000-1030

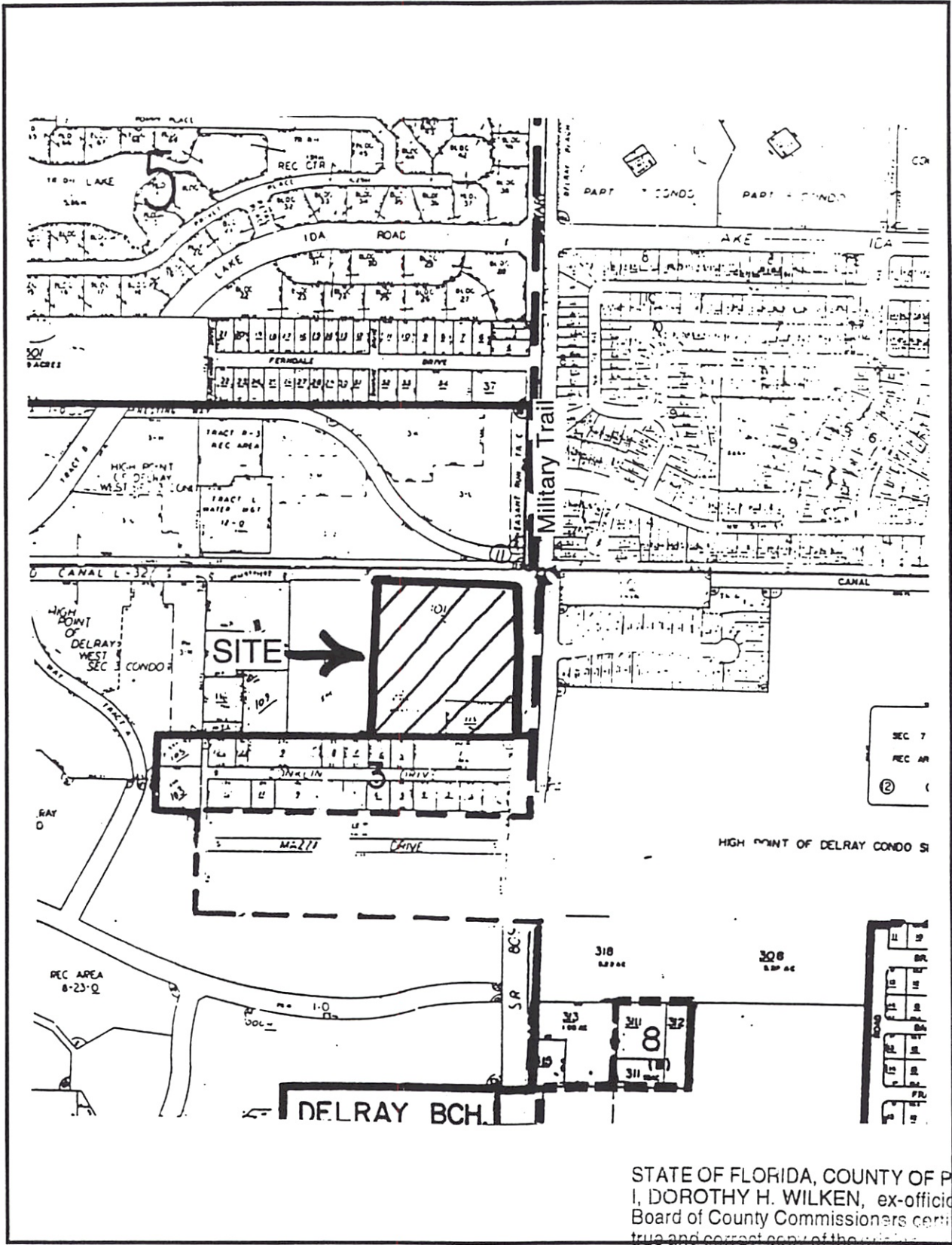


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C. Future Land Use Atlas page 99 is amended as follows:

Amendment No.: 98-99 COM 1 (South Military Trail)  
Location: West side of Military Trail, approximately 0.65 mile north of Atlantic Avenue  
Size: 9.12 acres  
Original FLU: High Residential, 8 units per acre (HR-8)  
Adopted FLU: Commercial High with an underlying 8 units per acre (CH/8)  
Property No.: 00-42-46-14-00-000-1010 (4.72 ac.), 1140 (3.45 ac.), 1150 (.96 ac.)



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STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify that this is a  
true and correct copy of the original  
on 12/27/98  
DATED at West Palm Beach, FL on 12/28/98  
DOROTHY H. WILKEN, Clerk  
By: Myrlis A. House D.C.